

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 CIAE-00 INR-07 NSAE-00

COME-00 TRSE-00 JUSE-00 STR-04 OMB-01 /035 R

DRAFTED BY EB/OT/STA:MCJONES:MEH
APPROVED BY EB/OT:WGBARRACLOUGH
TREAS:LPOTTS
EUR/EE:CSCHMIDT
EB/EWT:JBEMIS
COMM:SLOTARSKI
STR:HLAWRENCE (INFO)

----- 115015

P 122246Z JUL 76
FM SECSTATE WASHDC
TO AMEMBASSY WARSAW PRIORITY

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E.O. 11652: NA

TAGS: ETRD, PL

SUBJECT: ANTIDUMPING CASE -- ELECTRIC GOLF CARS FROM
POLAND

REF: (A) STATE 169223; (B) WARSAW 4548

SUMMARY: US AND POLISH OFFICIALS DISCUSSED TECHNICAL
ISSUES IN CONNECTION WITH ANTIDUMPING FINDING AGAINST
ELECTRIC GOLF CARS FROM POLAND ON JULY 8 AND 9. MEETINGS
CLARIFIED PROBLEMS BUT DID NOT RESULT IN RESOLUTION OF
QUESTION OF PROPER BASIS FOR DETERMINING FAIR VALUE
CURRENTLY AND IN THE FUTURE AS POLISH DELEGATION HAD HOPED.

1. AS FOLLOW-UP TO SECRETARY SIMON'S JUNE 23 WARSAW
DISCUSSION, DEPUTY ASSISTANT SECRETARY PETER SUCHMAN MET
WITH DELEGATION OF GOP HEADED BY STRZELECKI, UNDER
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SECRETARY OF STATE IN MINISTRY OF FOREIGN TRADE AND

SHIPPING. SUBJECT OF THESE TALKS AS IN PREVIOUS MEETINGS WAS BASIS ON WHICH FAIR VALUE WOULD BE DETERMINED UNDER U.S. ANTIDUMPING ACT, FOR PURPOSE OF DETERMINING WHETHER DUMPING DUTIES OUGHT TO BE ASSESSED ON GOLF CAR IMPORTS SUBJECT TO NOVEMBER 18, 1975 DUMPING FINDING. POLISH DEL ALSO INCLUDED STREBSKI OF MINISTRY OF FOREIGN TRADE, ANDREJ WERNER, STRUS AND SOLDACZU OF POLISH EMBASSY, AND A

REPRESENTATIVE OF PEZETEL. US DEL INCLUDED THEODORE HUME AND LYNN BARDEN OF TREASURY GENERAL COUNSEL'S OFFICE, LINDA POTTS AND HERBERT SHELLEY OF OFFICE OF TARIFF AFFAIRS, DOUGLAS MCMINN OF TREASURY EE OFFICE, SUZANNE LOTARSKI, COMMERCE, AND MARGARET JONES, STATE.

2. AT APRIL WARSAW MEETING BETWEEN SUCHMAN AND STRZELECKI, US AGREED TO USE PRICES OF CANADIAN GOLF CAR PRODUCER FOR FAIR VALUE ASSESSMENT PURPOSES THROUGH THE END OF 1975, WHETHER OR NOT ANY ACTUAL 1975 SALES WERE MADE BY CANADIAN PRODUCER. US STATED, HOWEVER, THAT SINCE CANADIAN PRODUCER OUT OF GOLF CAR BUSINESS AS OF END OF 1975, US WOULD HAVE TO USE SELLING PRICE OF A US PRODUCER FOR FAIR VALUE COMPARISONS IN CONNECTION WITH ANY CONTRACTS ENTERED INTO FROM JANUARY 1976. APRIL UNDERSTANDING WAS THAT IF VALID CONTRACT BETWEEN EXPORTER AND UNRELATED US PURCHASERS WAS IN EFFECT IN 1975 CANADIAN PRICE COULD AND WOULD BE USED FOR DURATION OF THAT CONTRACT.

3. SHORTLY BEFORE JULY 8-9 TALKS POLES SUBMITTED COPIES OF CONTRACTS WITH US PURCHASERS. TREASURY DEPARTMENT

GENERAL COUNSEL'S OFFICE BELIEVES CONTRACTS AND OTHER DATA INDICATE THERE WAS NO 1975 AGREEMENT BETWEEN PEZETEL AND UNRELATED US PURCHASERS TO PROVIDE BASIS FOR USING CANADIAN PRICE FOR TRANSACTIONS FROM 1975 THROUGH 1978 AS REQUESTED BY THE POLES. POLES CONTEND THERE WAS 1975 ORAL AGREEMENT AND PLAN SHORTLY TO SUBMIT ADDITIONAL EVIDENCE ON THAT QUESTION, WHICH TREASURY WILL AGAIN REVIEW.

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4. POLES HAVE STATED THAT UNLESS QUESTION CAN BE RESOLVED WITHIN NEXT FEW WEEKS THEY WILL LOSE US MARKET. TREASURY AWAITS FURTHER DATA PROMISED BY POLES PRIOR TO MAKING DECISION.

5. AT CONCLUSION OF MEETINGS, STRZELECKI VOICED HIS DISAPPOINTMENT THAT QUESTION HAD NOT YET BEEN RESOLVED AND HIS CONCERN OVER BROADER TRADE CONSEQUENCES IF POLES

DRIVEN FROM MARKET. SUCHMAN SAID THAT THE GOLF CAR CASE WAS EXCEPTIONAL AND HOPED THAT IT WOULD NOT BE SEEN AS TYPICAL. SUCHMAN ALSO SAID THAT IN THE PRESENT CASE, THE DECISION WOULD ULTIMATELY BE MADE BY SECRETARY SIMON.

6. STRZELECKI ALSO MET WITH ASSISTANT SECRETARIES PARSKY AND DAVID R. MACDONALD ON JULY 9. IN ADDITION, ARRANGEMENTS WERE MADE FOR A SPECIAL TOUR OF NEW SMITHSONIAN

AIR AND SPACE MUSEUM FOR JULY 10.

7. EMBASSY WILL BE ADVISED OF FURTHER DEVELOPMENTS ASAP. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RECREATION, ANTIDUMPING LAW (TRADE), ELECTRIC VEHICLES, MEETINGS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 12 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE172161
Document Source: CORE
Document Unique ID: 00
Drafter: MCJONES:MEH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760268-0647
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760767/aaaacgqn.tel
Line Count: 129
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 169223, 76 WARSAW 4548
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 03 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 MAY 2004 by greeneet>; APPROVED <04 MAY 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ANTIDUMPING CASE -- ELECTRIC GOLF CARS FROM POLAND
TAGS: ETRD, PL, US
To: WARSAW
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006